

SENATE BILL 2755

By Roberts

AN ACT to amend Chapter 121 of the Private Acts of 2004; as amended and rewritten by Chapter 84 of the Private Acts of 2014; and any other acts amendatory thereto, relative to the charter of the Town of Ashland City.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 121 of the Private Acts of 2004, as amended and rewritten by Chapter 84 of the Private Acts of 2014, and any other acts amendatory thereto, is amended by deleting Section 2(a)(8) and substituting instead the following:

(8) "Qualified voter" means a person who is qualified to vote for members of the General Assembly of the State of Tennessee and is a resident of the Town of Ashland City or owns real estate in the corporate city limits of the Town of Ashland City.

SECTION 2. Chapter 121 of the Private Acts of 2004, as amended and rewritten by Chapter 84 of the Private Acts of 2014, and any other acts amendatory thereto, is amended by adding the language "in person" immediately after the word "regularly" in the first sentence of Section 10(c).

SECTION 3. Chapter 121 of the Private Acts of 2004, as amended and rewritten by Chapter 84 of the Private Acts of 2014, and any other acts amendatory thereto, is amended by deleting Section 13 and substituting instead the following:

Section 13. VACANCY IN OFFICE OF MAYOR OR COUNCILMAN. A vacancy shall exist if the Mayor or a Councilman resigns, dies, or moves his/her residence from the City; is convicted of malfeasance or misfeasance in office, a felony, a violation of this Charter, the election laws of the state, or a crime involving moral turpitude; or fails to attend any meetings of the Council for a period of ninety (90) consecutive days with no extenuating circumstances. The Council may, by resolution, declare a vacancy to exist

for any of these reasons, and such finding shall be final. Any person convicted of malfeasance or misfeasance in office, a felony, or a crime involving moral turpitude shall be prohibited from holding office or employment with the City. The remaining Councilmen shall appoint a qualified person to fill a vacancy in the office of Councilman for the remainder of the unexpired term. In the event the remaining councilmen cannot reach a majority vote for the appointment of the vacancy, a special election shall be held. If it is no later than ninety (90) days before a general election, the election shall be added to the general election. At no time shall there be more than two (2) members of Council appointed to fill vacancies. If a vacancy occurs more than six (6) months prior to a regular election and while two (2) appointed members are on the Council, a special election shall be held by the county election commission, at which election a Councilman shall be elected to serve the unexpired term of the vacant office. Special elections shall be held on the first Saturday after the expiration of ninety (90) days. The provisions in this Charter for regular elections shall govern special elections.

SECTION 4. Chapter 121 of the Private Acts of 2004, as amended and rewritten by Chapter 84 of the Private Acts of 2014, and any other acts amendatory thereto, is amended by deleting Section 17 and substituting instead the following:

Section 17. DONATIONS TO PRIVATE ORGANIZATIONS. Taxes and other City revenues are levied and collected for public purposes, and the use of such funds as donations or contributions shall be in compliance with State law. However, the Council may contract with nongovernmental agencies for materials, events, and services necessary to effectuate public purposes authorized by law.

SECTION 5. Chapter 121 of the Private Acts of 2004, as amended and rewritten by Chapter 84 of the Private Acts of 2014, and any other acts amendatory thereto, is amended by deleting the language "and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the City," from the fourth sentence of Section 18.

SECTION 6. Chapter 121 of the Private Acts of 2004, as amended and rewritten by Chapter 84 of the Private Acts of 2014, and any other acts amendatory thereto, is amended by deleting the language "Clerk and" wherever it appears in Section 20.

SECTION 7. Chapter 121 of the Private Acts of 2004, as amended and rewritten by Chapter 84 of the Private Acts of 2014, and any other acts amendatory thereto, is amended by deleting the language "ordinance" and substituting the language "resolution" in the first sentence of Section 21.

SECTION 8. Chapter 121 of the Private Acts of 2004, as amended and rewritten by Chapter 84 of the Private Acts of 2014, and any other acts amendatory thereto, is amended by adding the language ", as determined by the City Council," after the language "The Municipal Judge" in the second sentence of Section 22(b).

SECTION 9. Chapter 121 of the Private Acts of 2004, as amended and rewritten by Chapter 84 of the Private Acts of 2014, and any other acts amendatory thereto, is amended by deleting the language "Clerk" in Section 23 and substituting instead the language "Recorder".

SECTION 10. Chapter 121 of the Private Acts of 2004, as amended and rewritten by Chapter 84 of the Private Acts of 2014, and any other acts amendatory thereto, is amended by deleting Section 26(e) and substituting instead the following:

(e) Any other information and data, such as work programs and unit costs, in justification of recommended expenditures that may be considered necessary by the Mayor or requested by the Council. The Mayor may recommend and estimate receipts from additional revenue measures, providing such estimates are separated clearly from normal revenue estimates. The budget may be accompanied by a message from the Mayor containing a statement of the general fiscal policies of the City, the important features of the budget, explanations of major changes recommended for the next fiscal year as compared with the current fiscal year, a general summary of the budget, and such other comments and information as the Mayor may deem pertinent. A copy of the budget in full shall be filed with the City Recorder for public inspection and a copy shall be furnished to each Councilman.

SECTION 11. Chapter 121 of the Private Acts of 2004, as amended and rewritten by Chapter 84 of the Private Acts of 2014, and any other acts amendatory thereto, is amended by deleting Section 31 and substituting instead the following:

Section 31. CENTRALIZED PURCHASING. The Council, by resolution, shall set purchasing procedures, which shall be in compliance with Tennessee purchasing laws.

SECTION 12. Chapter 121 of the Private Acts of 2004, as amended and rewritten by Chapter 84 of the Private Acts of 2014, and any other acts amendatory thereto, is amended by deleting Section 33 and substituting instead the following:

Section 33. SALE OF CITY PROPERTY. The Mayor may sell City property that has been determined surplus by the City's surplus policy and in compliance with the City's surplus policy. However, any sale of real estate shall be subject to approval by the Council both prior to any auction or sealed bids and after such auction or sealed bids. A minimum bid shall be set by the Council with a right to reject any and all bids. The Mayor may sell any item valued at less than two hundred dollars (\$200) without taking bids, but each such sale shall be reported to the Council at its next meeting.

SECTION 13. Chapter 121 of the Private Acts of 2004, as amended and rewritten by Chapter 84 of the Private Acts of 2014, and any other acts amendatory thereto, is amended by deleting the language "Clerk" in Section 37 and substituting instead the language "Recorder".

SECTION 14. Chapter 121 of the Private Acts of 2004, as amended and rewritten by Chapter 84 of the Private Acts of 2014, and any other acts amendatory thereto, is amended by deleting the language "Clerk" in Section 43, wherever it appears, and substituting instead the language "Recorder".

SECTION 15. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the Town of Ashland City. Its approval or nonapproval shall be proclaimed by the Mayor and certified to the secretary of state within ten (10) days of such approval or nonapproval.

SECTION 16. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 15.